

K.S.A. 44-551 limits the Appeals Board's jurisdiction to review appeals from preliminary hearings to situations where it is alleged that the Administrative Law Judge exceeded his or her jurisdiction in granting or denying the relief requested. K.S.A. 44-534a sets out specific issues which are deemed jurisdictional when appealed from preliminary hearings, including whether the employee suffered an accidental injury, whether the injury arose out of and in the course of the employee's employment, whether notice is given or claim timely made or whether certain defenses apply.

The Administrative Law Judge at preliminary hearing is given the specific authority to decide issues dealing with both temporary total disability compensation and the furnishing of medical treatment.

In this instance, the providing of a prosthetic device for claimant's hand would constitute a form of medical treatment. That is not an issue over which the Appeals Board takes jurisdiction on appeal from a preliminary hearing. Therefore, respondent's appeal in this matter is dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark dated April 5, 2001, remains in full force and effect, and the appeal of the respondent from that decision should, and is hereby, dismissed.

IT IS SO ORDERED.

Dated this ____ day of May 2001.

BOARD MEMBER

c: Thomas T. Inkelaar, Wichita, KS
Joseph C. McMillan, Kansas City, MO
John D. Clark, Administrative Law Judge
Philip S. Harness, Director